

**House Study Bill 604 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON LYKAM)

**A BILL FOR**

1 An Act providing for the treatment of animals other than  
2 agricultural animals, by providing for a regulation of  
3 commercial establishments, providing for fees, providing  
4 penalties, and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 162.1, Code 2009, is amended to read as  
2 follows:

3 **162.1 Policy Purpose and scope.**

4 1. The purpose of this chapter is to do all of the  
5 following:

6 ~~1. a. To insure~~ Insure that all dogs and cats handled by  
7 ~~boarding kennels, commercial kennels, commercial breeders,~~  
8 ~~dealers, and public auctions~~ pet establishments are provided  
9 with humane care and treatment ~~by regulating.~~

10 b. Regulate the transportation, sale, purchase, housing,  
11 care, handling, and treatment of ~~such animals~~ dogs and cats by  
12 persons ~~or organizations~~ engaged in transporting, buying, or  
13 selling them ~~and to provide.~~

14 c. Provide that all vertebrate animals consigned to pet  
15 shops are provided humane care and treatment by regulating the  
16 transportation, sale, purchase, housing, care, handling, and  
17 treatment of such animals by pet shops.

18 ~~2. d. To authorize~~ Authorize the sale, trade, or adoption  
19 of only those animals which appear to be free of infectious or  
20 communicable disease.

21 ~~3. e. To protect~~ Protect the public from zoonotic disease.

22 2. This chapter does not apply to livestock as defined  
23 in section 717.1 or any other agricultural animal used in  
24 agricultural production as provided in chapter 717A.

25 Sec. 2. Section 162.2, Code Supplement 2009, is amended by  
26 adding the following new subsections:

27 NEW SUBSECTION. 4A. "*Animal Welfare Act*" means the  
28 federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations  
29 promulgated by the United States department of agriculture and  
30 published in 9 C.F.R. ch. 1.

31 NEW SUBSECTION. 4B. "*Authorization*" means a state license,  
32 certificate of registration, or permit issued or renewed by the  
33 department to a commercial establishment as provided in section  
34 162.2A.

35 NEW SUBSECTION. 6A. "*Commercial establishment*" or

1 "*establishment*" means an animal shelter, boarding kennel,  
2 commercial breeder, commercial kennel, dealer, pet shop, pound,  
3 public auction, or research facility.

4 NEW SUBSECTION. 8A. "*Department*" means the department of  
5 agriculture and land stewardship.

6 NEW SUBSECTION. 9A. "*Federal license*" means a license  
7 issued by the United States department of agriculture to a  
8 person classified as a dealer or exhibitor pursuant to the  
9 federal Animal Welfare Act.

10 NEW SUBSECTION. 9B. "*Federal licensee*" means a person to  
11 whom a federal license as a dealer or exhibitor is issued.

12 NEW SUBSECTION. 10A. "*Permittee*" means a commercial  
13 breeder, dealer, or public auction to whom a permit is issued  
14 by the department as a federal licensee pursuant to section  
15 162.2A.

16 NEW SUBSECTION. 15A. "*Registrant*" means a pound, animal  
17 shelter, or research facility to whom a certificate of  
18 registration is issued by the department pursuant to section  
19 162.2A.

20 NEW SUBSECTION. 16A. "*State fiscal year*" means the fiscal  
21 year described in section 3.12.

22 NEW SUBSECTION. 16B. "*State licensee*" means any of the  
23 following:

24 *a.* A boarding kennel, commercial kennel, or pet shop to whom  
25 a state license is issued by the department pursuant to section  
26 162.2A.

27 *b.* A commercial breeder, dealer, or public auction to whom  
28 a state license is issued in lieu of a permit by the department  
29 pursuant to section 162.2A.

30 Sec. 3. Section 162.2, subsection 6, Code Supplement 2009,  
31 is amended to read as follows:

32 6. "*Commercial breeder*" means a person, engaged in the  
33 business of breeding dogs or cats, who sells, exchanges,  
34 or leases dogs or cats in return for consideration, or who  
35 offers to do so, whether or not the animals are raised,

1 trained, groomed, or boarded by the person. A person who  
2 owns or harbors three or fewer breeding males or females is  
3 not a commercial breeder. ~~However, a person who breeds or~~  
4 ~~harbors more than three breeding male or female greyhounds~~  
5 ~~for the purposes of using them for pari-mutuel racing shall~~  
6 ~~be considered a commercial breeder irrespective of whether~~  
7 ~~the person sells, leases, or exchanges the greyhounds for~~  
8 ~~consideration or offers to do so.~~

9 Sec. 4. Section 162.2, subsection 13, Code Supplement 2009,  
10 is amended to read as follows:

11 13. ~~"Pound" or "dog pound"~~ means a facility for the  
12 prevention of cruelty to animals operated by the state, a  
13 municipal corporation, or other political subdivision of the  
14 state for the purpose of impounding or harboring seized stray,  
15 homeless, abandoned or unwanted dogs, cats or other animals; or  
16 a facility operated for such a purpose under a contract with  
17 any municipal corporation or incorporated society.

18 Sec. 5. NEW SECTION. **162.2A Application, issuance, and**  
19 **renewal of authorizations.**

20 1. The department shall provide for the operation  
21 of a commercial establishment by issuing or renewing an  
22 authorization, including any of the following:

23 a. A certificate of registration for a pound, animal,  
24 shelter, or research facility.

25 b. A state license for a boarding kennel, commercial kennel,  
26 or pet shop.

27 c. A state license or permit for a commercial breeder,  
28 dealer, or public auction. A federal licensee must apply for  
29 and be issued either a permit or a state license in lieu of a  
30 permit.

31 2. A person must be issued a separate state license,  
32 certificate of registration, or permit for each commercial  
33 establishment owned or operated by the person.

34 3. A person must apply for the issuance or renewal of an  
35 authorization on forms and according to procedures required by

1 rules adopted by the department. The application shall contain  
2 information required by the department, including but not  
3 limited to all of the following:

4 a. The person's name.

5 b. The person's principal office or place of business.

6 c. The name, address, and type of establishment covered by  
7 the authorization.

8 d. The beginning and end of the person's fiscal year.

9 e. The gross amount received by the person from the sales  
10 of dogs and cats during the person's last fiscal year. The  
11 department in cooperation with the department of revenue may  
12 adopt rules providing a formula for a pet shop selling animals  
13 and merchandise to estimate the gross amount received by the  
14 pet shop from the sale of vertebrate animals.

15 4. An authorization expires at the end of the commercial  
16 establishment's fiscal year, and must be renewed by the  
17 department on or before that date.

18 5. The department shall transfer information contained in  
19 an application to the department of revenue as necessary to  
20 ensure that the department of revenue may collect necessary  
21 sales tax revenue from commercial establishments.

22 Sec. 6. NEW SECTION. 162.2B Fees.

23 The department shall establish, assess, and collect fees as  
24 provided in this section.

25 1. A commercial establishment shall pay authorization fees  
26 to the department for the issuance or renewal of a certificate  
27 of registration, state license, or permit.

28 a. For the issuance or renewal of a certificate of  
29 registration provided to:

30 (1) An animal shelter ..... No fee

31 (2) A publicly owned pound ..... No fee

32 (3) A privately owned pound ..... \$15

33 (4) A research facility ..... No fee

34 b. For the issuance or renewal of a state license provided  
35 to:

1 (1) A boarding kennel ..... \$150

2 (2) A commercial kennel ..... \$150

3 c. The amount of the fees required to be paid for the  
4 issuance or renewal of a state license to a pet shop and  
5 for the issuance or renewal of a state license or permit to  
6 a commercial breeder, dealer, or public auction shall be  
7 established by rules adopted by the department. The rules  
8 shall to every extent practicable be based on the schedule for  
9 fees assessed by the United States department of agriculture  
10 when accepting an application or issuing or renewing a  
11 class "A" dealer's license under the Animal Welfare Act.

12 The department may require that a federal licensee produce  
13 information on forms used by the United States department of  
14 agriculture when issuing or renewing a permit or state license.

15 2. Notwithstanding subsection 1, before the end of each  
16 state fiscal year, the department shall, if necessary, adopt  
17 rules to establish or adjust the amount of the fees required to  
18 be paid by state licensees and permittees during the next state  
19 fiscal year. The department shall determine the amount of the  
20 fees based on the number of full-time equivalent positions  
21 authorized by the general assembly to administer and enforce  
22 this chapter. However, a state licensee or permittee shall not  
23 pay less than fifty dollars. The amount of the adjusted fees  
24 shall take effect on July 1 or thirty days after the effective  
25 date of the Act authorizing the number of full-time equivalent  
26 positions, whichever is later. A state licensee or permittee  
27 shall pay the adjusted amount when renewing an authorization.

28 3. The department shall retain all fees that it collected  
29 under this section. If necessary to administer and enforce  
30 this chapter, the department may temporarily exceed and draw  
31 more than the amount received from the payment of fees during  
32 any time during a state fiscal year and subsequently incur  
33 a negative cash balance. However, the total amount of fees  
34 received by the department in the state fiscal year must be  
35 equal to or greater than the negative balance at the close of

1 the state fiscal year.

2 Sec. 7. Section 162.3, Code 2009, is amended by striking the  
3 section and inserting in lieu thereof the following:

4 **162.3 Operation of a pound — certificate of registration.**

5 A pound shall only operate pursuant to a certificate of  
6 registration issued or renewed by the department as provided  
7 in section 162.2A. A pound may sell dogs or cats under its  
8 control, if sales are allowed by the department. The pound  
9 shall maintain records as required by the department in order  
10 for the department to ensure the pound's compliance with the  
11 provisions of this chapter.

12 Sec. 8. Section 162.4, Code 2009, is amended by striking the  
13 section and inserting in lieu thereof the following:

14 **162.4 Operation of an animal shelter — certificate of**  
15 **registration.**

16 An animal shelter shall only operate pursuant to a  
17 certificate of registration issued or renewed by the department  
18 as provided in section 162.2A. An animal shelter may sell dogs  
19 or cats if sales are allowed by the department. The animal  
20 shelter facility shall maintain records as required by the  
21 department in order for the department to ensure the animal  
22 shelter's compliance with the provisions of this chapter.

23 Sec. 9. NEW SECTION. **162.4A Operation of a research**  
24 **facility — certificate of registration.**

25 A research facility shall only operate pursuant to a  
26 certificate of registration issued by the department as  
27 provided in section 162.2A. The research facility shall  
28 maintain records as required by the department in order for the  
29 department to ensure the research facility's compliance with  
30 the provisions of this chapter. A research facility shall not  
31 purchase a dog or cat from a commercial establishment that does  
32 not have a valid authorization.

33 Sec. 10. Section 162.5, Code 2009, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 **162.5 Operation of a pet shop — state license.**

1 A pet shop shall only operate pursuant to a state license  
2 issued or renewed by the department pursuant to section  
3 162.2A. The pet shop shall maintain records as required by the  
4 department in order for the department to ensure the pet shop's  
5 compliance with the provisions of this chapter. A pet shop  
6 shall not purchase a dog or cat from a commercial establishment  
7 that does not have a valid authorization.

8 Sec. 11. NEW SECTION. **162.5A Operation of a boarding kennel**  
9 **— state license.**

10 A boarding kennel shall only operate pursuant to a state  
11 license issued by the department as provided in section 162.2A.  
12 The boarding kennel shall maintain records as required by  
13 the department in order for the department to ensure the  
14 boarding kennel's compliance with the provisions of this  
15 chapter. A boarding kennel shall not purchase a dog or cat  
16 from a commercial establishment that does not have a valid  
17 authorization.

18 Sec. 12. Section 162.6, Code 2009, is amended by striking  
19 the section and inserting in lieu thereof the following:

20 **162.6 Operation of a commercial kennel — state license or**  
21 **permit.**

22 A commercial kennel shall only operate pursuant to a state  
23 license issued or renewed by the department as provided in  
24 section 162.2A. A commercial kennel shall maintain records  
25 as required by the department in order for the department to  
26 ensure the commercial kennel's compliance with the provisions  
27 of this chapter. A commercial kennel shall not purchase a dog  
28 or cat from a commercial establishment that does not have a  
29 valid authorization.

30 Sec. 13. Section 162.7, Code 2009, is amended by striking  
31 the section and inserting in lieu thereof the following:

32 **162.7 Operation of a dealer — state license or permit.**

33 A dealer shall only operate pursuant to a state license,  
34 or a permit, issued or renewed by the department as provided  
35 in section 162.2A. A dealer who is a state licensee shall

1 maintain records as required by the department in order for the  
2 department to ensure compliance with the provisions of this  
3 chapter. A dealer who is a permittee may, but is not required  
4 to maintain records. A dealer shall not purchase a dog or cat  
5 from a commercial establishment that does not have a valid  
6 authorization.

7 Sec. 14. Section 162.8, Code 2009, is amended by striking  
8 the section and inserting in lieu thereof the following:

9 **162.8 Operation of a commercial breeder — state license or**  
10 **permit.**

11 A commercial breeder shall only operate pursuant to a state  
12 license, or a permit, issued or renewed by the department  
13 as provided in section 162.2A. A commercial breeder who is  
14 a state licensee shall maintain records as required by the  
15 department in order for the department to ensure the commercial  
16 breeder's compliance with the provisions of this chapter. A  
17 commercial breeder who is a permittee may but is not required  
18 to maintain records. A commercial breeder shall not purchase a  
19 dog or cat from a commercial establishment that does not have  
20 a valid authorization.

21 Sec. 15. NEW SECTION. **162.9A Operation of a public auction**  
22 **— state license or permit.**

23 A public auction shall only operate pursuant to a state  
24 license, or a permit, issued or renewed by the department  
25 as provided in section 162.2A. A public auction which is  
26 a state licensee shall maintain records as required by the  
27 department in order for the department to ensure the public  
28 auction's compliance with the provisions of this chapter. A  
29 public auction which is a permittee may but is not required to  
30 maintain records. A public auction shall not purchase a dog or  
31 cat from a commercial establishment that does not have a valid  
32 authorization.

33 Sec. 16. NEW SECTION. **162.10A Commercial establishments —**  
34 **standard of care.**

35 1. a. A commercial establishment shall provide for a

1 standard of care that ensures that an animal in its possession  
2 or under its control is not lacking any of the following:

3 (1) Adequate feed, adequate water, housing facilities,  
4 sanitary control, or grooming practices, if such lack causes  
5 adverse health or suffering.

6 (2) Veterinary care.

7 *b.* A commercial establishment, other than a research  
8 facility or pet shop, shall provide for the standard of care  
9 for dogs and cats in its possession or under its control, and a  
10 research facility or pet shop shall provide for the standard of  
11 care for invertebrate animals in its possession or under its  
12 control.

13 2. *a.* Except as provided in paragraph "*b*", a commercial  
14 establishment shall comply with rules that the department  
15 adopts to implement subsection 1. A commercial establishment  
16 shall be regulated under this paragraph "*a*" unless the person is  
17 a permittee as provided in paragraph "*b*".

18 *b.* A permittee is not required to comply with rules that  
19 the department adopts to implement subsection 1. However, a  
20 permittee meets the standard of care required in subsection  
21 1 if it complies with rules adopted by the department to  
22 implement that subsection as provided in paragraph "*a*". A  
23 permittee may meet that standard of care without complying  
24 with the department's rules. A finding by the United States  
25 department of agriculture that a permittee complies with the  
26 Animal Welfare Act is not conclusive when determining that the  
27 permittee provides a standard of care required in subsection 1.

28 3. A commercial establishment fails to provide for a  
29 standard of care as provided in subsection 1, if the commercial  
30 establishment commits abuse as described in section 717B.2,  
31 neglect as described in section 717B.3, or torture as provided  
32 in section 717B.3A.

33 Sec. 17. NEW SECTION. 162.10B Commercial establishments —  
34 inspecting state licensees and registrants.

35 The department may inspect the commercial establishment of

1 a registrant or state licensee by entering onto its business  
2 premises at any time during normal working hours. The  
3 department may inspect records required to be maintained by the  
4 state licensee or registrant as provided in this chapter. If  
5 the owner or person in charge of the commercial establishment  
6 refuses admittance, the department may obtain an administrative  
7 search warrant issued under section 808.14.

8 Sec. 18. NEW SECTION. 162.10C Commercial establishments  
9 — monitoring permittees.

10 1. The department may monitor the commercial establishment  
11 of a permittee by entering onto its business premises at  
12 any time during normal working hours. The department shall  
13 monitor the commercial establishment for the limited purpose of  
14 determining whether the permittee is providing for a standard  
15 of care required for permittees under section 162.10A. If  
16 the owner or person in charge of the commercial establishment  
17 refuses admittance, the department may obtain an administrative  
18 search warrant issued under section 808.14.

19 2. In order to enter onto the business premises of a  
20 permittee's commercial establishment, the department must have  
21 reasonable cause to suspect that the permittee is not providing  
22 for the standard of care required for permittees under section  
23 162.10A. Reasonable cause must be supported by any of the  
24 following:

25 a. An oral or written complaint received by the department  
26 by a person. The complainant must provide the complainant's  
27 name and address and telephone number. Notwithstanding chapter  
28 22, the department's record of a complaint is confidential,  
29 unless any of the following apply:

30 (1) The results of the monitoring are used in a contested  
31 case proceeding as provided in chapter 17A or in a judicial  
32 proceeding.

33 (2) The record is sought in discovery in any administrative,  
34 civil, or criminal case.

35 (3) The department's record of a complaint is filed by a

1 person other than an individual.

2     *b.* A report prepared by a person employed by the United  
3 States department of agriculture that requires a permittee to  
4 take action necessary to correct a breach of standard of care  
5 required of federal licensees by the Animal Welfare Act or of  
6 permittees by section 162.10A.

7     3. When carrying out this section, the department may  
8 cooperate with the United States department of agriculture.  
9 The department shall report any findings resulting in an  
10 enforcement action under section 162.10D to the United States  
11 department of agriculture.

12     Sec. 19. NEW SECTION. 162.10D **Commercial establishments**  
13 **— disciplinary actions.**

14     1. The department may take disciplinary action against a  
15 person by suspending or revoking the person's authorization for  
16 violating a provision of this chapter or chapter 717B, or who  
17 commits an unlawful practice under section 714.16.

18     2. The department may require that an owner, operator, or  
19 employee of a commercial establishment subject to disciplinary  
20 action under subsection 1 to complete a continuing education  
21 program as a condition for retaining an authorization.  
22 This section does not prevent a person from voluntarily  
23 participating in a continuing education program.

24     3. The department shall administer the continuing education  
25 program by either providing direct instruction or selecting  
26 persons to provide such instruction. The department is not  
27 required to compensate persons for providing the instruction,  
28 and may require attendees to pay reasonable fees necessary to  
29 compensate the department providing the instruction or a person  
30 selected by the department to provide the instruction. The  
31 department shall, to every extent possible, select persons to  
32 provide the instruction by consulting with organizations that  
33 represent commercial establishments, including but not limited  
34 to the Iowa pet breeders association.

35     4. The department shall establish the criteria for a

1 continuing education program which shall include at least three  
2 and not more than eight hours of instruction. The department  
3 shall provide for the program's beginning and ending dates.  
4 However, a person must complete the program in twelve months  
5 or less.

6 Sec. 20. Section 162.11, subsections 1 through 3, Code 2009,  
7 are amended by striking the subsections.

8 Sec. 21. Section 162.11, Code 2009, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 6. This chapter does not apply to a person  
11 who owns, breeds, transports, or keeps a greyhound dog for  
12 pari-mutuel wagering at a racetrack as provided in chapter 99D.

13 Sec. 22. NEW SECTION. 162.12A Civil penalties.

14 1. The department shall establish, impose, and assess civil  
15 penalties for violations of this chapter. The department may  
16 by rule establish a schedule of civil penalties for violations  
17 of this chapter.

18 2. a. Except as provided in paragraph "b", a person who  
19 operates a commercial establishment is subject to a civil  
20 penalty of not more than one thousand dollars per violation.  
21 In the case of a continuing violation, each day of the  
22 continuing violation is a separate violation.

23 b. A person qualifying under this paragraph shall be subject  
24 to a civil penalty of not more than one hundred dollars per day  
25 for failing to apply for or obtain a current authorization. In  
26 order to qualify under this paragraph "b", the person must be  
27 any of the following:

28 (1) A boarding kennel or commercial kennel that keeps fewer  
29 than six dogs or cats during a twelve-month period.

30 (2) A commercial breeder who owns or possesses fewer than  
31 six breeding male or female dogs or cats.

32 (3) A dealer who buys for resale or sells or exchanges fewer  
33 than six dogs or cats as a principal or agent.

34 Sec. 23. Section 162.13, Code 2009, is amended to read as  
35 follows:

1     **162.13 Penalties Criminal penalties — confiscation.**

2     ~~1. Operation of a pound, animal shelter, pet shop, boarding~~  
3 ~~kennel, commercial kennel, research facility, or public~~  
4 ~~auction, or dealing in dogs or cats, or both, either as a~~  
5 ~~dealer or a commercial breeder, without a currently valid~~  
6 ~~license or a certificate of registration is~~ A person who  
7 operates a commercial establishment without an authorization  
8 issued or renewed by the department as required in section  
9 162.2A is guilty of a simple misdemeanor and each day of  
10 operation is a separate offense.

11     ~~2. The failure of any pound, research facility, animal~~  
12 ~~shelter, pet shop, boarding kennel, commercial kennel,~~  
13 ~~commercial breeder, public auction, or dealer, to adequately~~  
14 ~~house, feed, or water dogs, cats, or vertebrate animals in~~  
15 ~~the person's or facility's possession or custody~~ a person  
16 who owns or operates a commercial establishment to meet the  
17 standard of care required in section 162.10A, subsection 1, is  
18 a simple misdemeanor. The animals are subject to seizure and  
19 impoundment and may be sold or destroyed as provided by rules  
20 which shall be adopted by the department pursuant to chapter  
21 17A. The rules shall provide for the destruction of an animal  
22 by a humane method, including by euthanasia.

23     ~~3. The failure of a person who owns or operates a commercial~~  
24 ~~establishment to meet the requirements of this section is~~  
25 ~~also cause for the suspension or revocation or suspension~~  
26 ~~of license or registration after public hearing of the~~  
27 ~~person's authorization as provided in section 162.10D. The~~  
28 ~~commission of an act declared to be an unlawful practice under~~  
29 ~~section 714.16 or prohibited under chapter 717 or 717B, by~~  
30 ~~a person licensed or registered under this chapter is cause~~  
31 ~~for revocation or suspension of the license or registration~~  
32 ~~certificate.~~

33     ~~4. Dogs, cats, and other vertebrates~~ vertebrate  
34 animals upon which euthanasia is permitted by law may be  
35 destroyed by a person subject to this chapter or chapter 169,

1 by a humane method, including euthanasia, as provided by rules  
2 which shall be adopted by the department pursuant to chapter  
3 17A.

4 5. It is unlawful for a dealer to knowingly ship a diseased  
5 animal. A dealer violating this paragraph is subject to a  
6 fine not exceeding one hundred dollars. Each diseased animal  
7 shipped in violation of this paragraph is a separate offense.

8 Sec. 24. Section 162.16, Code 2009, is amended by striking  
9 the section and inserting in lieu thereof the following:

10 **162.16 Rules.**

11 The department shall adopt rules and promulgate forms  
12 necessary to administer and enforce the provisions of this  
13 chapter.

14 Sec. 25. REPEAL. Section 167.18, Code Supplement 2009, is  
15 repealed.

16 Sec. 26. CURRENT DEPARTMENTAL RULES. This Act does not  
17 diminish the authority of the department of agriculture and  
18 land stewardship to regulate different types of commercial  
19 establishments as provided in 21 IAC ch. 67.

20 Sec. 27. ISSUANCE OF PERMITS. This Act does not require  
21 a commercial establishment that has been issued or renewed a  
22 certificate of registration to be issued a permit earlier than  
23 required in section 162.2A for the renewal of a permit. The  
24 person shall hold the certificate of registration in the same  
25 manner as a permit pursuant to this Act.

26 Sec. 28. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
27 of immediate importance, takes effect upon enactment.

28 **EXPLANATION**

29 **GENERAL.** This bill provides for the regulation of  
30 commercial establishments that possess or control animals,  
31 other than animals used for an agricultural purpose, by the  
32 department of agriculture and land stewardship. Under current  
33 law an animal shelter, pound, or research facility must obtain  
34 a certificate of registration; a pet shop, boarding kennel, or  
35 commercial kennel must obtain a state license; and a commercial

1 breeder, dealer, and public auction must obtain a certificate  
2 of registration because they are federally licensed. The bill  
3 provides that a commercial breeder, dealer, and public auction  
4 must obtain a permit instead of a certificate of registration.  
5 All of these documents are referred to as authorizations.

6 AUTHORIZATION. The bill provides that a commercial  
7 establishment must pay a fee for being issued or renewed an  
8 authorization. The bill does not change the fees required to  
9 be paid by registrants, but establishes an increased fee for  
10 boarding kennels and commercial kennels. It also requires  
11 the department to adopt rules to establish and adjust fees  
12 imposed on federal licenses issued a permit based on a schedule  
13 of fees required to be paid by dealers to the United States  
14 department of agriculture. The department is required to  
15 adjust the fees for each new fiscal year based on the costs  
16 of administering and enforcing the regulations, according  
17 to full-time equivalent positions authorized by the general  
18 assembly. It also provides that due to the fluctuation in fees  
19 the department may temporarily operate in a deficit.

20 PURCHASE OF DOGS AND CATS BY UNAUTHORIZED COMMERCIAL  
21 ESTABLISHMENTS. The bill prohibits a pet shop, dealer,  
22 commercial breeder, or public auction from purchasing a dog or  
23 cat from an unauthorized commercial establishment.

24 STANDARD OF CARE. The bill requires that commercial  
25 establishments must operate pursuant to an authorization and  
26 requires registrants and state licensees to maintain records.  
27 The bill provides for a general standard of care for all  
28 commercial establishments. The commercial establishment must  
29 ensure that an animal in its possession or under its control is  
30 not lacking adequate feed, adequate water, housing facilities,  
31 sanitary control, grooming practices affecting the health of  
32 the animal, or veterinary care. A registrant or state licensee  
33 must comply with departmental rules. A permittee may meet the  
34 standard of care without complying with the departmental rules.  
35 It may also fail to meet the standard of care even though it

1 passes a federal inspection.

2 ENTERING ONTO THE BUSINESS PREMISES. The bill provides  
3 that the department may inspect a registrant or state licensee  
4 by entering onto its business premises and may inspect its  
5 records. The department may monitor a permittee by entering  
6 onto its business premises for the limited purpose of  
7 determining whether the permittee is providing for the required  
8 standard of care. In order to enter onto the premises,  
9 the department must have reasonable cause supported by an  
10 oral or written complaint or a report filed by the United  
11 States department of agriculture. The bill provides for the  
12 confidentiality of complaints filed by individuals unless they  
13 are relevant to an administrative or court proceeding.

14 DISCIPLINARY ACTIONS. The bill provides that the department  
15 may take disciplinary action against a commercial establishment  
16 by suspending or revoking the commercial establishment's  
17 authorization. The department may require that an owner,  
18 operator, or employee of a commercial establishment complete  
19 a continuing education program which is supervised by the  
20 department but may be administered by a person selected by the  
21 department.

22 EXCEPTIONS. The bill eliminates provisions that exempted  
23 federal licensees from regulations. It creates a new exception  
24 for a person who breeds, transports, or keeps a greyhound dog  
25 for pari-mutuel wagering at a racetrack.

26 PENALTIES. The bill authorizes the department to establish,  
27 impose, and assess civil penalties for violations of the bill's  
28 provisions. Generally, a civil penalty is up to \$1,000 per  
29 each day of a violation with an exception for small commercial  
30 establishments which have not obtained an authorization. The  
31 civil penalty is \$100 per day for a boarding kennel, commercial  
32 kennel, commercial breeder, or dealer whose business involves  
33 fewer than six dogs or cats. Generally a person who violates  
34 the bill's provisions is guilty of a simple misdemeanor. The  
35 bill provides that a person falsifying an application is guilty

1 of the same offense. A simple misdemeanor is punishable by  
2 confinement for no more than 30 days or a fine of at least \$65  
3 but not more than \$625 or by both.

4 RULES. The bill authorizes the department to adopt rules  
5 necessary to administer and enforce the bill's provisions. It  
6 eliminates a provision that provides the department cannot  
7 adopt rules more stringent than federal regulations.

8 CURRENT DEPARTMENTAL RULES. The bill provides that it  
9 does not diminish the authority of the department to regulate  
10 different types of commercial establishments as provided in its  
11 rules.

12 EFFECTIVE DATE. The bill takes effect upon enactment.